IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 22588 of 2004

Between:

G.Chandrasekhar Naidu S/o.Nagama Naidu
Sub Inspector-Prohibition and Excise working at M/s Southern Citrus Product, Gudur, Nellore District.

..... PETITIONER

AND

1 The Commissioner of Prohibition and Excise Hyderabad.
2 The Deputy Commissioner of Prohibition and Excise Kurnool.
3 The Asst. Commissioner of Prohibition and Excise Tirupati, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, direction, order or orders more particularly one in the nature of writ of Certiorari calling for the records pertaining to the order dt.29.11.2004 passed in OASR No.12847/04 on the file of A.P. Administrative Tribunal, Hyderabad, and quash the same consequentially set aside the impugned proceedings in Roc.No.A2/544/2004 dt.12.10.2004 issued by the 2nd respondent herein in the interest of justice.

Counsel for the Petitioner: MR.A.CHANDRAIH NAIDU

Counsel for the Respondents: GP FOR SERVICES II

The Court made the following:

ORAL ORDER (PER GB,J.)

The Writ Petition is filed assailing the order dated 29.11.2004 passed by the Andhra Pradesh Administrative Tribunal, in O.A.(SR).No.12847 of 2004.

2. The petitioner was suspended from service by the Deputy Commissioner of Prohibition & Excise, Kurnool, vide proceedings Rc.No.A2/544/2004, dated 12.10.2004. Accordingly, he filed an appeal before the appellate authority and the same was not disposed of. While the appeal is pending, he filed O.A. before the Tribunal. The Tribunal holding that the petitioner has already filed an appeal, dismissed the O.A. by order, dated 9.11.2004, as not maintainable. Against the said order, the present Writ Petition has been filed.

3. Learned counsel for the petitioner submits that since the important questions of law are involved in the case, the appellate authority will not be in a position to decide the same and therefore, the Tribunal ought to have entertained the application and decide the same on its own merits.

4. We are afraid we do not accept the contentions raised by the learned counsel. As the petitioner has already taken recourse to the appeal remedy as provided under Service Rules, he has to necessarily avail the decision of the appellate authority.

5. Under those circumstances, we do not find any merit in the Writ Petition and accordingly the same is dismissed. No costs.

6. However, the appellate authority is directed to dispose of the appeal, if not already disposed, within a period of ten days from the date of receipt of a copy of this order.

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(G. BIKSHAPATHY, J.)

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(P.S. NARAYANA, J.)

Date: 08-12-2004

ES

Note:- Issue copy in two days.

B/o.

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To

1. The Commissioner of Prohibition and Excise Hyderabad.
2. The Deputy Commissioner of Prohibition and Excise Kurnool.
3. The Asst. Commissioner of Prohibition and Excise Tirupati, Chittoor District.

4. 2 CCs to the G.P. for Prohibition and Excise, High Court of A.P., Hyderabad (OUT).

5. 2 CD copies.